



## CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

### STAFF REPORT

<b>File Number</b>	PL 13-122	<b>Contact</b>	Steven Robertson, (218) 730 5295	
<b>Application Type</b>	Variance from Front Yard Setback	<b>Planning Commission Date</b>	October 8, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	September 12, 2013	<b>60 Days</b>	November 11, 2013
	<b>Date Extension Letter Mailed</b>	September 13, 2013	<b>120 Days</b>	January 10, 2014
<b>Location of Subject</b>	6303 West Skyline			
<b>Applicant</b>	Mitchell Marchand	<b>Contact</b>		
<b>Agent</b>	Andrew Elias	<b>Contact</b>	andrew.p.elias@gmail.com	
<b>Legal Description</b>	010-3260-00230			
<b>Site Visit Date</b>	September 15, 2013	<b>Sign Notice Date</b>	September 23, 2013	
<b>Neighbor Letter Date</b>	September 19, 2013	<b>Number of Letters Sent</b>	2	

#### Proposal

The applicant wishes to replace a deck that provides access to a patio door at the front of the home. The deck was completely removed; zoning requires that all new structures and additions conform to the rules and regulations in place at the time of construction.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	RR-1	Residential	Preservation
<b>North</b>	RR-1	Undeveloped	Preservation
<b>South</b>	RR-1	Undeveloped	Preservation/Institutional
<b>East</b>	RR-1	Undeveloped	Preservation
<b>West</b>	RR-1	Undeveloped	Preservation

#### Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Front Yard: 60 feet. Minimum Lot Size: 5 Acres (the applicant owns approximately 1.5 acres)

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall ... make a decision on the application based on the criteria in subsections 50-37.9.C through M ....

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

F-1

## Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Preservation Future Land Use. Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

## Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant would like to construct a new deck on the front of the home. The new deck would provide access to the front of the home through a patio door, and would likely be upgraded in the future with a ramp for handicap access. There was a deck attach to the home in this approximate location, but it was removed. The home is in the front yard setback, as is the proposed deck. The property owner has a fence that is located entirely in the right of way.
- 2) The home was built in 1920. At the time the permit was submitted, there was an error indicating that the home would be 20 feet front the front lot line; the home is located approximately 10 feet from the front lot line. The lot has about 180 feet of frontage on West Skyline Parkway (note that the road is on both public right of land, and platted land owned by the City).
- 3) The need for relief is not due to circumstances created by the current homeowner, as this house, was built prior to the zoning setbacks.
- 4) The request for a deck on the front of the home is reasonable. There is no practical way to provide egress into the front of the home without building in the front setback.
- 5) The proposed deck addition will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area. It will not increase the existing density of housing units in the neighborhood.
- 6) No City, public, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

## Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for the variance has been met and, therefore, recommends the Planning Commission approve the requested variance to build 5 feet from front yard setback, subject to the following conditions:

- 1) Applicant construct the project in accordance with project area identified on the certificate of survey submitted and dated July 19, 2013.
- 2) A certificate of survey be required to clearly identify the location of the current structures on the lot and to ensure that any new structures to not encroach closer into the right of way or front yard setback.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**





### Legend

Wetlands (NRR1)

Vacated ROW

Easement Type

Utility Easement

Other Easement

Zoning (Final)

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

Light Industrial

General Industrial

Transportation and Utilities

2013\_DLH\_Aerial\_ImageService

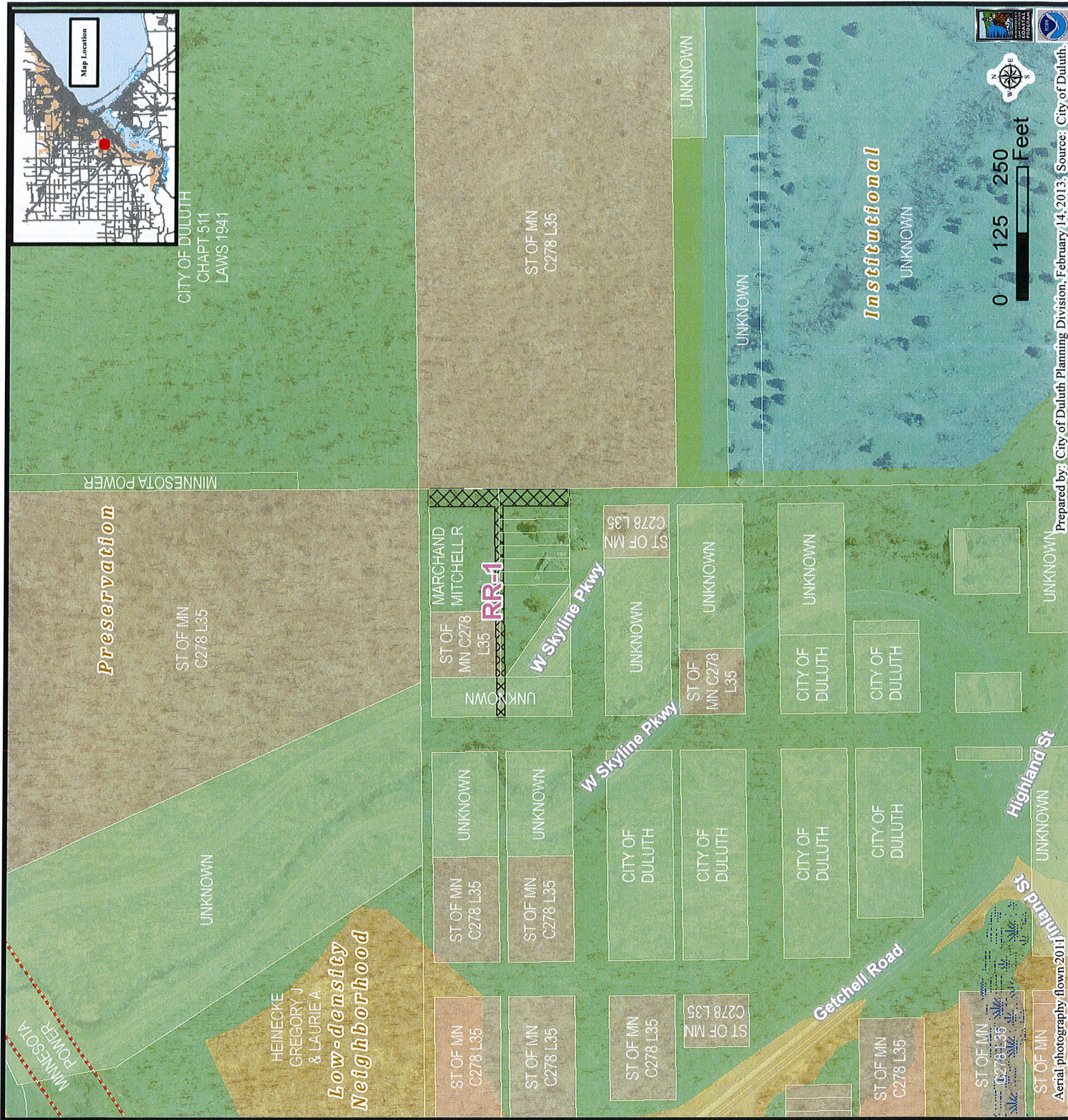
RGB

Red: NONE

Green: NONE

Blue: NONE

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for damages in connection with the use of this information contained within.







# City Planning

Variance

6303 W Skyline Pkwy

## Legend

### DuluthStream\_ci

TROUT\_FLAG

Trout Stream (GPS)

Other Stream (GPS)

Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

4 - 6" Water Pipe

Sanitary Sewer Collection System

Sanitary Sewer Collector

Sanitary Sewer Interceptor

Sanitary Sewer Forced Main

Storage Basin

Pump Station

Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

0" - 4" Gas Pipes

Storm Sewer Collection System

Storm Sewer Pipe

Storm Sewer Catch Basin

Discharge\_Points

Right-of-Way Type

Road or Alley ROW

Vacated ROW

Easement Type

Utility Easement

Other Easement

Zoning (Final)

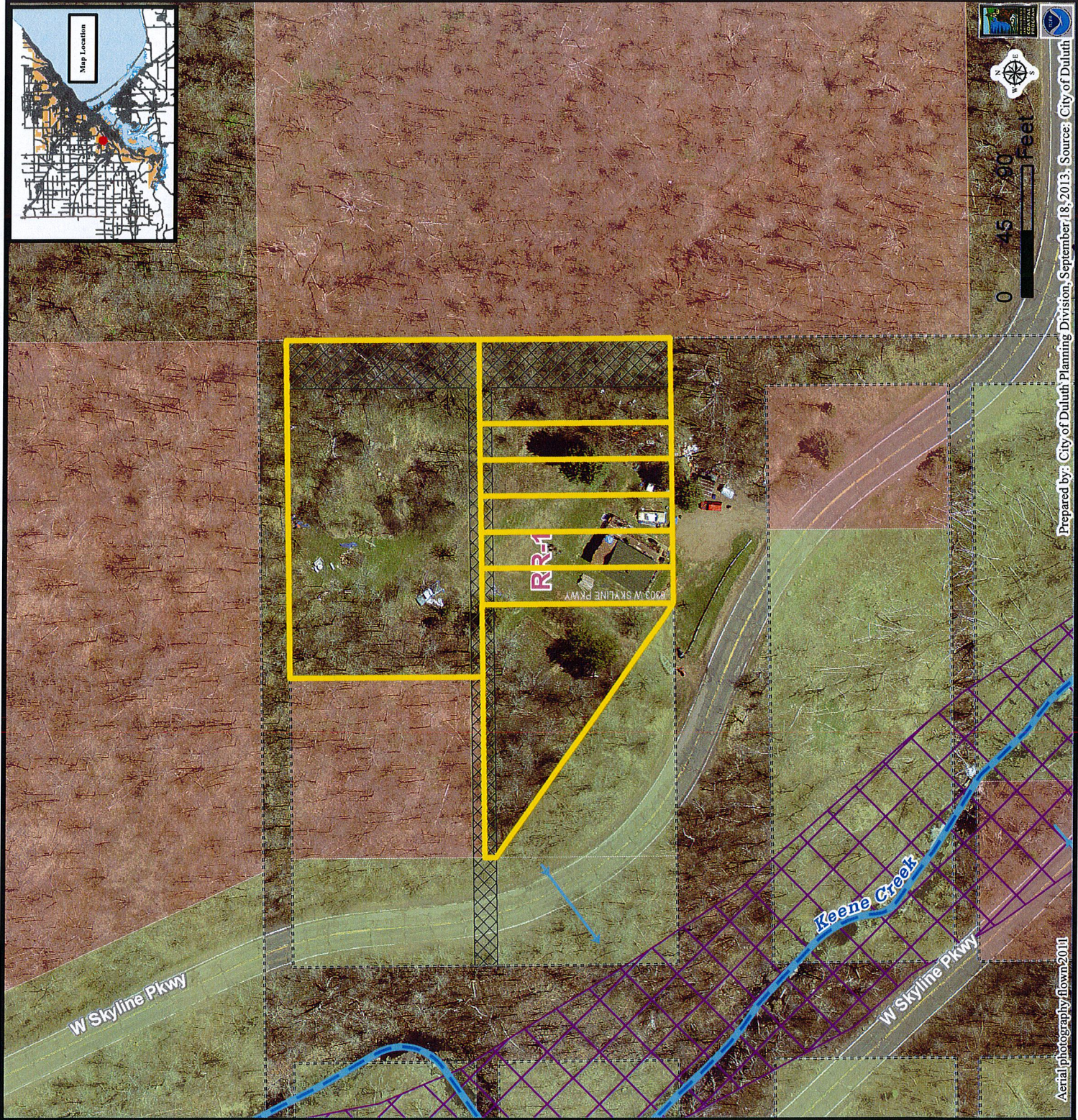
Floodplain Type

General Flood Plain

Flood Way

Flood Fringe

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, September 18, 2013. Source: City of Duluth



010-3260-00220  
MARCHAND  
MITCHELL R

010-3260-00230  
MARCHAND  
MITCHELL R

010-3260-00240  
MARCHAND  
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010-3260-00260  
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010-3260-00270  
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MITCHELL R

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The property in question is a project funded by Lutheran Social Services flood relief. This house was built in September of 1914 and was built within the setback. The original permit shows the house at 20 feet from the property line. The permit for the deck and new dwelling addition to the front of the house from 1981 shows them permitted to build within the setback even closer to the right of way, adding on to the original structure by 24 feet which included the deck. The aerial view of the house from satellite imagery shows the lot lines are in different places than originally thought, and shows the house built at an angle on the lots. The house is not in the right of way, it is just not far enough back from the lot line.

We removed the deck in order to waterproof and repair the foundation, and completely replace one end of the foundation which we were permitted to do. The previous deck was the only entrance to the house and goes from the front door to the back door. The deck is not a luxury, it is functional at mostly 6'4 wide, and wraps the house to the back door entry. The grade around the house is 3-5 feet lower than the floor system so it is needed to enter the house. When the mother of the homeowner moves in, a wheelchair ramp will be added in order for her to enter the house. The deck then serves egress purposes because it goes to both doors. One ramp from each door is not as economical as the deck connecting the doors to one ramp. The rear portion of the deck is larger to accommodate for the stairs coming from the driveway or for exiting from the rear door. It is not practical to decrease the size of the deck or not connect them because then there will be two ramps needed for egress.

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Blk 1  
Mineral Ado

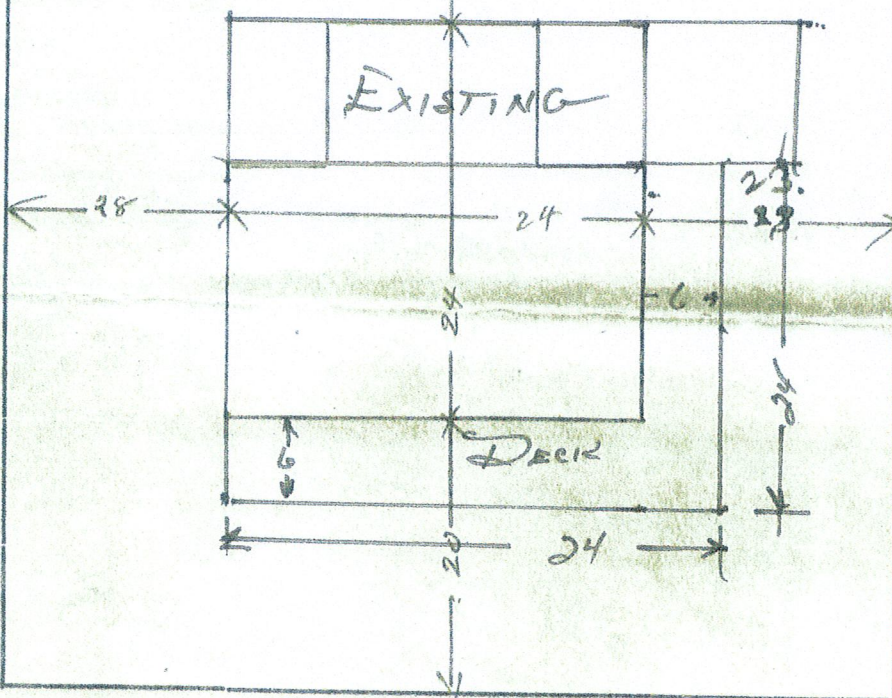
proposed to be Erected thereon

Carrie M. Stautz  
Owner.

By Chas a Steady  
agent

CITY OF BURLINGAME  
HEALTH DEPARTMENT

91



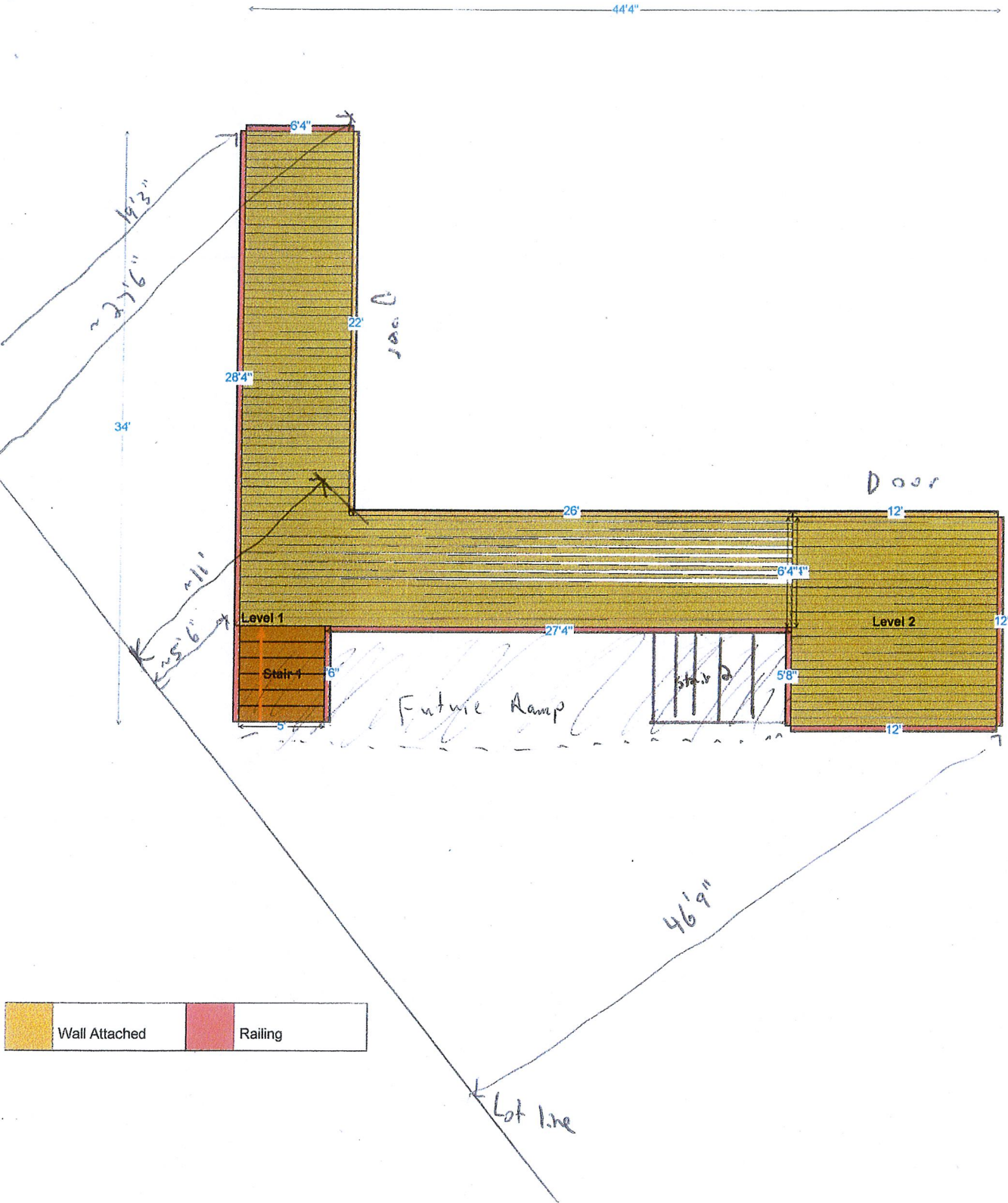
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